

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARCEL PORTRA SAUNDERS,

Defendant.

CR 23–2–BU–DLC

ORDER

Before the Court is the United States’ Unopposed Motion to Dismiss Indictment and Superseding Indictment With Prejudice. (Doc. 41.) The parties previously reached an agreement to resolve this case via a pretrial diversion in which Saunders agreed to fulfill certain terms and abide by delineated conditions of supervision for a term of 12 months. (Doc. 39 at 2.) Pursuant to that agreement, the Court granted the United States’ motion to dismiss the Indictment (Doc. 2) and Superseding Indictment (Doc. 24) without prejudice, with the understanding that the United States would move to dismiss the underlying criminal charges with prejudice once Saunders successfully completed her period of supervision. (Doc. 40 at 2.) The United States now moves to dismiss the Indictment and Superseding Indictment with prejudice pursuant to Fed. R. Crim. P. 48(a). (Doc. 42 at 2.) Saunders does not object to the motion. (*Id.*)

Federal Rule of Criminal Procedure 48(a) states the government “may, with leave of court, dismiss an indictment.” A court may “deny a government dismissal motion to which the defendant has consented if the motion is prompted by considerations clearly contrary to the public interest.” *United States v. Weber*, 721 F.2d 266, 268 (9th Cir. 1983) (quoting *Rinaldi v. United States*, 434 U.S. 22, 29 n.15 (1977)). Here, the basis for the motion is not clearly contrary to the public interest. The parties reached an agreement to resolve this matter via pretrial diversion, which began on July 20, 2024. (Doc. 42 at 2.) Saunders has completed her obligations under the pretrial diversion agreement without any violations. (*Id.*)

Accordingly, IT IS ORDERED that the motion (Doc. 41) is GRANTED.

IT IS FURTHER ORDERED that the Indictment (Doc. 2) and Superseding Indictment (Doc. 24) are DISMISSED with prejudice.

DATED this 30th day of July, 2024.



Dana L. Christensen, District Judge
United States District Court